I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

commissioner of Patents and Trademarks,

SEPTEMBER Vashington, D.C. 2023/1 on

Patent Application Docket No. MPS 11-83D2D1 Serial No. 08/478,153

Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ft Unit

1804

Applicants

Michael J. Adang, John D. Kemp

Serial No.

08/478,153

Filed

June 7, 1995 :

For

Insect Resistant Plants

Commissioner of Patents and Trademarks Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§1.97 AND 1.98

Sir:

Provided herewith are copies of publications as listed on the attached form PTO-1449. A concise explanation of the relevance of each reference listed on Form PTO-1449 is contained in the above-identified specification as filed.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the provision of the foregoing statement.

Respectfully submitted,

Jeff Lloyd

Patent Attorney

Registration No. 35,589 Phone No.: 904-375-8100

Address:

2421 N.W. 41st Street, Suite A-1

Gainesville, FL 32606

JL/srp **Enclosures**

| Form PTO-1449 (REV 7-99) | | | | | | F | ΔΤΙ | ENT AND 1 | ENT OF COMMERCE TRADEMARK OFFICE | | | SERIAL NO. 08/478,153 | | | | | |
|--|----------|--|---------------|----------|----------|--|----------|-------------|----------------------------------|------------------------------|------------|--------------------------|----------|---------------------------------------|-------------------------------|----------------|--|
| AL ROC | MA. |)PMA | TIC | N I |)IS | CLC |)SL | IRF | STATEN | MENT | A | PPLICANT(S): Mic | hael J. | | |) | |
| SEP | 7 | (" | (Use | seve | ral: | sheet | s if | nece | ssary) | | L | | | | | | |
| 8 | } | | | | | | | | | | ILING DATE | | GROUP | | | | |
| 1005 | <u> </u> | / | | | | | | | | | | June 7, 1995 1804 | | | | | |
| 7, 1999 | * | | | | | | | | , | J.S. PATENT DOCUM | IEN | VIS | | r | - FILING | DATE | |
| INTERNATION OF THE PARTY OF THE | | DOCUMENT NUMBER | | | | | | <u> </u> | DATE | NA | MI | E | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE | | |
| | AA | | | L | L | | | L | <u> </u> | | | | | | | | |
| | AB | | | | | L | | | | | | | | | | | |
| | AC | | | | | | | | | | | | | | | | |
| | AD | | | | | | | | | | | | | | | | |
| | ΑE | | | | | | | | | | | | | | | | |
| | AF | | | | | | | | | | | | | | | | |
| | AG | | 一 | 1 | - | ┢ | | | | | | | | | | | |
| | АН | | H | | | | H | | | | | - | | | | | |
| | AJ | | | \vdash | | \vdash | | | | | | | | | | | |
| | AJ | | <u> </u> | 1 | | | - | | | | | | | | | | |
| | AK | | \vdash | ┢ | \vdash | H | \vdash | | | | | | | | | | |
| | | <u>.</u> | <u> </u> | L | i | | | | FORE | IGN PATENT DOC | CU | IMENTS | L | | <u> </u> | | |
| | | Γ | | | | | | | I | I | | | | | TRANSI | ATION | |
| | | סם | OCU | MEI | NT N | NUM | BER | ì | DATE | cou | INT | TRY . | CLASS | SUBCLASS | YES | NO | |
| | AL | 0 | 0 0 6 3 9 4 9 | | | | | | | EF | PC |) | | | | - | |
| | AM | | | П | | | | | | | | | | | | | |
| | AN | | | Г | | | | | | | | | | | | | |
| | AO | | ┢ | T | | | | | | | | | | | | | |
| | AP | _ | | 一 | ┢ | - | | | | | | | | | | ····· | |
| | l | Ц. | | | _ | TTC | IER | PF | IOR ART | (Including Author, Titl | le. | Date. Pertinent Page: | s. Etc.) | <u> </u> | 1 <u></u> | | |
| | | | Be | var | | | | | | chimaeric antibio | | | | electable m | arker for r | olant | |
| | AR | | | | | | | | | 304:184-187. | | , roolota loo gori | o uo u o | | a | Jian II | |
| | | | | | | | | <u>.</u> (1 | 983) "Ex | pression of bacter | rial | genes in plant | cells" P | roc. Natl. Ad | ad. Sci. U | JSA | |
| | AS | | 80 | :48 | 03- | 480 | 7. | | | | | | | | | | |
| | ,- | | | | | | | | | ning and localizati | | | | | of Bacillu | <u></u> | |
| | AT | | <u> th</u> | ırin | gie | nsis | su | bsp | o. <u>kurstak</u> | <u>ki</u> " Proc. Natl. Acad | | | | · · · · · · · · · · · · · · · · · · · | | | |
| EXAMINER | | | | | | | | | | | D | ATE CONSIDER | RED | | | | |
| *EXAMINER: | Initia | alifref | erer | nce (| cons | sider | ed. | whe | ther or not | t citation is in conform | nan | nce with MPEP 609: | Draw lin | e through cites | tion if not in | - | |

conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | | | ENT OF COMMERCE TRADEMARK OFFICE | ATTY, DOCKET NO. | SERIAL NO. 08/478,153 | | | | |
|--|---|--|--------------|---------|--------|---------------|-----|------------------|----------------------------------|--|--------------------------|-----------------|----------------|-------------|--|
| 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 | • | | | | | | | | | APPLICANT(S): Michael J. Adang, John D. Kemp | | | | | |
| | INFO | | | | | | | STATEN ssary) | MENT | APPLICANT(S): IVIIC | maei J. | Adaily, Joh | ii D. Keiii | þ | |
| ₹ \ | | | | | | | | | | FILING DATE | GROUP | | | | |
| [` | | | | | | | | | | | | 1804 | | | |
| | | | | | | | | U.S | S. PATENT DOCU | MENTS | | • " • | | | |
| *EXAMINER | | | | | | | | | | | | | | FILING DATE | |
| INITIAL | | DOC | CUN | MENT | NUN | /BER | | DATE | NA NA | CLASS | SUBCLASS | IF APPROPRIATE | | | |
| | AA | | 4 | _ | | \sqcup | | | | | | | <u> </u> | | |
| ļ. | AB | | \perp | \perp | | Щ | | | | | | | | | |
| ! | AC | | | | | | | | | | | | <u> </u> | | |
| | AD | | | | | | , | | | | | | | | |
| | AE | | | T | | | | | | | | | | | |
| | AF | | | | | | | | | | | | | | |
| | AG | | | | | | | | | | | | | | |
| | AH | | T | T | | П | | | | | | | | | |
| | Al | | | | \top | | | | , | | | | | | |
| | AJ | | 1 | 十 | 1 | П | | | | | | | | | |
| | AK | | 7 | _ | ╅ | TT | | | | | | | | | |
| | | | | | | | | FORE | IGN PATENT DOC | CUMENTS | · | <u> </u> | ! | | |
| | 1 3 | | | | | | | | | · | | | TRANSI | ATION | |
| | | Бфa | cyk | /ENT | NUN | /BER | | DATE | cou | CLASS | ASS SUBCLASS | YES | NO | | |
| | AL | | | | | | | | | | | | | | |
| | AM | | | | | | | | | | | | | | |
| | AN | | Т | | | П | | | | | | | | | |
| | AO | | T | | \top | П | | | | | | | | | |
| | AP | | | | | | | | | | | | | | |
| | | | | | OTI | HER | PR | IOR ART | (Including Author, Titl | e, Date, Pertinent Page. | s, Etc.) | • | | | |
| | | Į: | Her | rera | | | | | * " | imaeric genes trai | | l into plant o | ells using | a Ti- | |
| | AR | 1 | olas | smic | l-der | ived | ve | ctor" Nati | ure 303:209-213. | _ | | • | | • | |
| | | 1 | (lie | r, A | et a | <u>l.</u> (18 | 982 | 2) "Clonin | g and expression | of the crystal prot | ein gen | es from Bac | illus | | |
| | AS thuringiensis strain berliner 1715" EMBO J. 1:791-799. | | | | | | | | | | | | | | |
| | Schnepf, H.E., H.R. Whiteley (1981) "Cloning and expression of the Bacillus thuringiensis | | | | | | | | | | <u>jiensis</u> cŋ | /stal | | | |
| | AT | protein gene in Escherichia coli" Proc. Natl. Acad. Sci. USA 78:2893-2897. | | | | | | | | | | | | | |
| EXAMINER | | | | | | | | | | DATE CONSIDER | RED | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | · | | | | | | | |
| *EXAMINER: | Initia | l if refe | renc | e co | nside | red, v | whe | ther or not | citation is in conform | ance with MPEP 609; | Draw lin | e through cited | tion if not in | l | |

conformance and not considered. Include copy of this form with next communication to applicant.

| Form PTO-1449 (REV. 7-80) | 9 | | | | | | | | T OF COMMERCE ADEMARK OFFICE | | IPS 11-83D2D1 | | SERIAL NO. 08/478,153 | | | | |
|------------------------------|--|-----------------------------------|--|--|----------|----------|---------|----------|---------------------------------|----------|--|---------------|----------------------------|--------------------|----|--|--|
| | INFO | RMA ⁻ | TIOI | N DI | SCL | OSUF | RE S | TATEME | NT | Al | APPLICANT(S): Michael J. Adang, John D. Kemp | | | | | | |
| | | (Use several sheets if necessary) | | | | | | | | | LING DATE une 7, 1995 | GROUP 1804 | | | | | |
| U.S. PATENT DOCU | | | | | | | | | | | | | | | | | |
| *EXAMINER | | | | ACNT | · A11 18 | 40ED | | DATE | N | CLASS | FILING SUBCLASS IF APPROP | | | | | | |
| INITIAL | AA | 7 | T | VIEIVI | T | /IBER | | DATE | | | | CLASS | SUBCLASS | IF AFTROFTIATE | | | |
| | AB | | \dashv | - | +- | ++ | - | | | | | | | <u> </u> | | | |
| | AC | | \dashv | - | + | ++ | + | - | | | | - | | | | | |
| | AD | \longrightarrow | - | + | + | ++ | _ | | | | · · · · · · · · · · · · · · · · · · · | | | | | | |
| | AE | | \dashv | + | + | 1-1 | _ | | | | | - | | | | | |
| | AF | | \dashv | - | ┼ | ++ | - | | | | | ļ | | | | | |
| | + | | | - | + | ┵ | | | | | | <u> </u> | | | | | |
| | AG | | _ | | - | + | _ | | | - | • | <u> </u> | | | | | |
| | AH | | | _ | ┿ | + | + | | | | | ļ | | | | | |
| | Al | | _ | _ | ┿ | ↓ | | | | | | ļ | | | | | |
| | AJ | | | \perp | \bot | 1-1 | _ | | | | · | | | | | | |
| | AK | | | | | | | | | <u> </u> | | J | <u> </u> | | | | |
| | | | | | | | | FOREIG | N PATENT DO | CU | MENIS | | , | | | | |
| | | | 1 1 | | | | | | | | | | OLIBOLAGO | TRANSLATION YES NO | | | |
| | | DQ | OCUMENT NUMBER | | | | ' | DATE | COI | JNI | RY | CLASS | SUBCLASS | YES | NO | | |
| | AL | | _ | _ | + | + | | | | | | | | | | | |
| | AM | | | | 1 | ╁ | _ | | | | | | | | | | |
| | AN | | _ | _ | _ | \bot | _ | | | | | ļ | | | | | |
| | AO | | _ | | _ | 1 | | | | | | ļ | | | | | |
| | AP | | | | ┸ | | | | | | | | | | | | |
| | | | | | | | | | | | Date, Pertinent Page | | | | | | |
| | AR | | Whiteley, H.R. et al. (1982) "Cloning the Crystal Protein Gene of B. thuringiensis in E. coli" in | | | | | | | | | | | | | | |
| | /*** | | Molecular Cloning and Gene Regulation in Bacilli, pp. 131-144. | | | | | | | | | | | | | | |
| | AS | - | Barton, K.A. et al. (1983) "Regeneration of Intact Tobacco Plants Containing Full Length Copies of | | | | | | | | | | | | | | |
| | \vdash | | | Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny" Cell 32:1033-1043. Barton, K.A., W.J. Brill (1983) "Prospects in Plant Genetic Engineering" Science 219:671-676. | | | | | | | | | | | | | |
| | AT | | | ωn, | · ~ / . | , +۷.0 | ,. UI(I | 1 (1900) | i iospecis iii r | ici i | Caerieuc Liigiii | cering | | ,.57 1-070 | • | | |
| EXAMINER | 44 | | | | | | | | | ĪD | ATE CONSIDER | RED | | | | | |
| • • • • • | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

conformance and not considered. Include copy of this form with next communication to applicant.